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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/966,479      | 09/28/2001  | David Lark           | 29757/P-561         | 6461             |

4743 7590 10/19/2004

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| EXAMINER |
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ONEILL, MICHAEL W

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3713

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |  |
|------------------------------|-----------------|--------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |  |
|                              | 09/966,479      | LARK, DAVID  |  |
|                              | Examiner        | Art Unit     |  |
|                              | Michael O'Neill | 3713         |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

Claims 1-4, 7-11, 13-16 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Odyssey gaming machine by Silicon Gaming, Inc. circa 1997; Scott et al. Des. 395,463; Hedrick et al., USPN 6,135,884 and Carmean, USPN 4,517,654.

Scott et al., Hedrick et al. and Carmean disclose, teach and suggest to one of ordinary skill in the art the hardware, cabinetry and software to have an operational video gaming machine.

The Odyssey gaming machine by Silicon Gaming, Inc. discloses, teaches and suggests to one of ordinary skill in the art the results of graphical processing programming techniques. As shown, results of these programming yield video reel slot machine that looks like a vintage mechanical reel slot machine; modern video slot machines; virtual dealer hands which toss virtual playing cards, these cards spin across a virtual table felt and the project faceward to reveal the card value and suit to the player in order to play a video poker game; and a virtual keno hopper with an exit tube that directs the keno balls to

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move from the hopper to the playfield and land on the appropriate numbered spot. The keno game could easily be modified for a bingo game because keno and bingo are quite similar lot match game, bingo just adds a pattern that has to be match in order to win.

One of ordinary skill in the art given the knowledge of the hardware, software and cabinetry involved with gaming machines and the knowledge of the results presented in the Odyssey gaming machine would find the claimed inventions as obvious in view of these references viewed as a whole.

With respect to claims 21-24, these claims appear to be directed to what is known in the art as the "ROM" chips that are attached to the motherboard of the gaming machine and supply the gaming machine with the data needed for the gaming machine to operate as a gaming machine. These chips are usually regulated by local regulations and must be approved by the local regulatory commission prior to being placed within a gaming machine. The use of ROM chips is the only way gaming machines can operate legally within the local jurisdictions of the United States. Therefore, to incorporate the teachings above into ROM chips would be obvious to one skilled in the art; otherwise, the gaming machine could not legally operate in a casino within the United States.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over art as applied to claim 1 above, and further in view of Pascal et al., USPN 6,287,202.

In figure 1, Pascal et al. teaches how one of ordinary skill in the art could network a series of gaming machines. One skilled in the art would find it obvious to network the gaming machines taught by the aforementioned prior art of record used in the rejection above based on the teachings found in Pascal et al. as one example of networking gaming machines.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 5 above, and further in view of Alcorn et al. USPN 6,104,815.

Alcorn et al. discloses, teaches and suggests the instrumentalities needed to get gaming machines connected to the Internet. Based on the teachings of Alcorn et al. and the knowledge one skilled in the art has with respect to networking gaming machines as shown by example with Pascal et al.; it would have been obvious to connect the taught gaming machines as taught and suggested by the aforementioned prior art of record used above to the Internet with the technology taught and suggested by Alcorn et al.

***Response to Arguments***

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

If the Applicant needs a better understanding of the Odyssey gaming machine than what can be given to the Applicant by the Examiner given the limitations of technology at the Examiner's disposal, then it is suggested the Applicant contact the assignee to the present invention because the instant assignee acquired the company Silicon Gaming, Inc. in 2001, see the IGT 2001 Annual report, pages 38-41; and such an acquisition appeared to have included the tangible and intangible assets of the company.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael O'Neill whose telephone number is 703-308-3484. The examiner can normally be reached on Monday through Friday 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be

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reached on 703-308-2064. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "MICHAEL O'NEILL", written in a cursive style.

**MICHAEL O'NEILL**  
**PRIMARY EXAMINER**